

1 DAYLE ELIESON
United States Attorney
2 DANIEL J. COWHIG
Assistant United States Attorney
United States Attorney's Office
3 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101-6514
4 (702) 388-6336 / Fax: (702) 388-6020
daniel.cowhig@usdoj.gov

5 *Representing the United States of America*

6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 ROBERT PONCE, JR.,

13 Defendant.
14

Case No.: 2:16-cr-368-APG

**STIPULATION TO CONTINUE
SENTENCING**

THIRD REQUEST

15 IT IS HEREBY STIPULATED AND AGREED, by and between the United States of
16 America, through Dayle Elieson, United States Attorney, and Daniel J. Cowhig, Assistant United
17 States Attorney, and the defendant ROBERT PONCE, JR., and his attorney, Randall Roske, that:

18 1. The sentencing hearing in United States v. Robert PONCE, Jr., currently scheduled
19 for April 6, 2018 at 9:00am in Las Vegas Courtroom 6C, be continued until a date and time
20 convenient to the Court, but not less than 90 days from the currently scheduled date.

21 2. Defendant PONCE requests additional time to prepare for the sentencing proceeding.
22 Defendant PONCE lives in a neighboring state and due to unrelated State matters is prohibited from
23 using email, video teleconference or similar services to communicate with his counsel.
24

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
MAR 30 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

3. Concurrent with this filing, the parties have submitted a Stipulation and Joint Motion to Unseal this matter and all filings. The matter must be unsealed to allow for victim notification and participation in the sentencing proceedings under the Victim Rights Act, Title 18, United States Code Section 3771 *et seq.*

4. The United States is not aware of any substantive violations of the presentencing release conditions imposed by the Court.

5. Defendant PONCE is at liberty, having been released on a personal recognizance bond with conditions. Defendant PONCE agrees to this continuance.

6. Denial of this request could result in a miscarriage of justice because denial could substantially limit defendant PONCE's ability to prepare and present appropriate evidence and argument at sentencing.

7. This is the third request to continue the sentencing hearing.

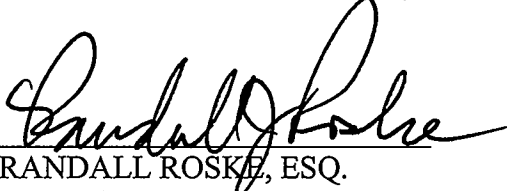
8. The parties seek this continuance in good faith, not for the purposes of delay.

DAYLE ELIESON,
United States Attorney

DATE 3/30/18


DANIEL J. COWHIG
Assistant United States Attorney

DATE 3/30/2018


RANDALL ROSKE, ESQ.
Counsel for Defendant ROBERT PONCE, JR.

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 ROBERT PONCE, JR.,

13 Defendant.
14

Case No.: 2:16-cr-368-APG

15 **PROPOSED FINDINGS OF FACT,**
16 **CONCLUSIONS OF LAW AND**
17 **ORDER TO CONTINUE**
18 **SENTENCING**

19 Based on representations of the parties contained in the pending stipulation, ECF No. 17,
20 and the record in this case, the Court FINDS:

21 1. Defendant PONCE requests additional time to prepare for the sentencing proceeding.
22 Defendant PONCE lives in a neighboring state and due to unrelated State matters is prohibited from
23 using email, video teleconference or similar services to communicate with his counsel.

24 2. This matter must be unsealed to allow for victim notification and participation in the
sentencing proceedings under the Victim Rights Act, Title 18, United States Code Section 3771 *et*
seq. The parties submitted a Stipulation and Joint Motion to Unseal this matter and all filings, ECF
18, which was granted at ECF 19.

1 3. The United States is not aware of any substantive violations of the presentencing
2 release conditions imposed by the Court.

3 4. Defendant PONCE is at liberty, having been released on a personal recognizance
4 bond with conditions. Defendant PONCE agrees to this continuance.

5 5. Denial of this request could result in a miscarriage of justice because denial could
6 substantially limit defendant PONCE's ability to prepare and present appropriate evidence and
7 argument at sentencing.

8 6. This is the third request to continue the sentencing hearing.

9 7. The parties seek this continuance in good faith, not for the purposes of delay.

10 8. The requested postponement of the sentencing hearing in this matter does not
11 implicate the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

12 IT IS HEREBY ORDERED:

13 1. The sentencing hearing in United States v. Robert PONCE, Jr., currently scheduled
14 for April 6, 2018 at 9:00am in Las Vegas Courtroom 6C, be continued until
15 August 9, 2018 at 9:00 a.m. in Las Vegas Courtroom 6C;

16 2. The Clerk of Court shall notify the United States Probation Office of the new hearing
17 schedule, and;

18 3. This this order is not sealed. The parties' filing and this matter have been
19 UNSEALED by separate order.

20 IT IS SO ORDERED.

21
22
23 DATE April 3, 2018

24 

THE HONORABLE ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE